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October 7, 2004

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

Application:

10/758,613

Filed:

January 15, 2004

Applicants:

Omar, Ruupak Nanyamka

For:

Novelty Articles for Famous Persons and Method for Making Same

Atty Ref.:

0103281 - 0515640

#### Dear Commissioner:

Enclosed please find the following papers for the above-referenced patent application:

1. Information Disclosure Statement;

Cincinnati, Ohio 45202

- 2. Response to Restriction Requirement;
- 3. Self-addressed, prepaid return postcard.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

Respectfully submitted,

FROST BROWN TODD LLC

Victor C. Moreno (Reg. No. 40,732)

VCM/cme Enclosures

**Certificate of Mailing** 

CinLibrary 0103281.0515640 1441619v.1





## UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/758,613 | Examiner: 0

Examiner: Cegielnik, Urszula

Filed: 01/15/2004 Art Unit: 3712

Inventor: Omar, Ruupak Nanyamka Atty Ref.: 0103281 - 0515640

Title: Novelty Articles for Famous Persons and Method for Making Same

## RESPONSE TO RESTRICTION REQUIREMENT

This paper is being filed in response to the Restriction Requirement mailed on September 8, 2004.

Applicant traverses the restriction requirement because the claims are not independent or distinct. The statutory basis for a restriction requirement reads as follows:

If two or more independent <u>and</u> distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.

35 U.S.C. § 121 (emphasis added). Thus, the PTO may restrict an application only if the claimed invention satisfies <u>both</u> requirements (i.e., both independent and distinct). The Office Action only states that the claimed invention is distinct, but does not address the other requirement that the claims be independent. In the present case, Applicant submits that neither requirement is met.

The claims are not "independent" (i.e., not dependent) under 35 U.S.C. § 121. Namely, the claims disclose a relationship between the two or more subjects disclosed, that is, they are connected in design, operation, and effect. MPEP 802.01 give two examples of how claims can be "independent"; namely, (1) species under a genus which species are not usable together as disclosed; or (2) process and apparatus incapable of being used in practicing the process. Neither case exists here.

The claims also are not "distinct" under 35 U.S.C. § 121. MPEP 802.01 defines "distinct" as meaning that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art). The present claims do not disclose

two or more subjects, but rather disclose a single subject. Thus, the claims are not distinct.

Based on the foregoing, Applicant's request reconsideration and withdrawal of the restriction requirement.

The Applicants provisionally elect to prosecute Group II (claims 9 - 22).

Respectfully Submitted,

Victor C. Moreno (Reg. No. 40,732)

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Application: 10/758,613

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3712

Inventor:

Omar, Ruupak Nanyamka

Atty Ref.:

0103281 - 0515640

Title:

**Novelty Articles for Famous Persons and Method for Making Same** 

# INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR 1.97 and 1.98 Applicant herewith submits certain information that the Patent & Trademark Office may wish to consider in examining the above-identified application. The information is listed on the attached PTO/SB/08A and 08B. Copies of the information are also provided. Please treat all information as prior art until it is proved otherwise. No representation is made or intended that a prior art search has been made, that better information is available, or that the information qualifies as prior art or is material to patentability.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 06-2226.

Respectfully Submitted,

Victor C. Moreno (Reg. No. 40,732)

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**Certificate of Mailing** 

The undersigned certifies that this correspondence was deposited with the U.S. Postal Service with sufficient postage as first class mail and addressed to "Commissioner for Patents, PO Box 1450, Alexandria,

VA 22313-1450," on this \_\_\_\_\_\_ day of October, 2004.

Substitute for Form 1449B/PTO
INFORMATION
STATEMENT E

# **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

Sheet 1 of 2

Complete if Known				
<b>Application Number</b>	10/758,613			
Filing Date	February 9, 2004			
First Inventor	Ruupak Omar			
Art Unit	3712			
Examiner Name	Urszula Cegielnik			
Attorney Docket No.	0103281 - 0522371			

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	<u>Document Number</u> Number - Kind Code <sup>2</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, columns, lines where relevant passages or relevant figures appear	
		US-5926388A				
		US-				
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, columns, lines where relevant passages or relevant figures appear	T <sup>6</sup>	
		GB-2328900A					
		DE-19903122A					

Signature Considered	Examiner	Date		 
	Signature	Considered		

OCT 1 3 2004

PTO/SB/08A and 08B (modified)

Substitute for Form 1449B/PTO

# **INFORMATION DISCLOSURE** STATEMENT BY APPLICANT

Sheet 2 of 2

Complete if Known				
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First Inventor	Ruupak Omar			
Art Unit	3712			
Examiner Name	Urszula Cegielnik			
Attorney Docket No.	0103281 - 0522371			

	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>		
	-	Written Opinion of the International Searching Authority			
		GRAMMALIDIS N ET AL: "Generation of 3-D head models from multiple images using ellipsoid approximation for the rear part"			
		CHOI C S ET AL: "A system of analyzing and synthesizing facial images"			
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in

conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

Examiner	Date	
Signature	Considered	